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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,249	03/07/2000	Richard Henry Weese	99-009	9888

7590

06/18/2002

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EXAMINER

MICHL, PAUL R

ART UNIT

PAPER NUMBER

1714

DATE MAILED: 06/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

ME11

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 5/13/02

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-31 is/are pending in the application.
- Of the above claim(s) 7-17 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6, 18-31 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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Claims 7-17 remain withdrawn from consideration. The election of species is final.

Claims 18, 21, 22, and 24-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Vaughn or Takahashi or Chen or Gujarathi or Grimm.

Claims 18, 21, 22, and 24-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Lee '993 or Thames or Selvarajan or Belik or Pavlyuchenko.

Claims 18, 21, 22, and 24-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaughn or Takahashi or Chen or Gujarathi or Grimm or Lee '993 or Thames or Selvarajan or Belik or Pavlyuchenko. Applicants' claim 18 remains unamended. Claim 18 is directed to a composition comprising water and a polymer. It remains the Examiner's position that compositions comprising water and a polymer lack novelty over these references and would be obvious to one of ordinary skill from these references. Applicants' arguments have been considered but are not persuasive. Applicants argue concerning addition to polyvinyl chloride. This argument is not persuasive because none of these claims recite any recitation concerning polyvinyl chloride.

Claims 1-6, 19, 20, and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sasaki or Kempner or Bett.

Claims 1-6, 19, 20, and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by Lee '319 or Bertelo or Richard.

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Applicants' claims are directed to a composition comprising water and a core/shell polymer comprising acrylate monomer in the core and methacrylate monomer in the shell. Newly cited Sasaki, Kempner, Bett, Lee '319, Bertelo, and Richard all disclose compositions comprising water and core/shell polymers comprising acrylate monomer in the core and methacrylate monomer in the shell. See the Abstract of each reference. See claim 1 of Sasaki. See claim 1 of Kempner. See claims 1, 3, and 5 of Bett. See claims 1 and 2 of Lee '319. See claims 1-6 of Bertelo. See claims 1, 8, and 9 of Richard.

Claims 1-6, 19, 20, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki or Kempner or Bett or Lee '319 or Bertelo or Richard. It would be obvious to one of ordinary skill in the art to formulate aqueous compositions comprising core/shell polymer according to these references which comprise acrylate monomer in the core and methacrylate monomer in the shell. The motivation is that it is within the skill of one in the art to select suitable monomers for the core content and suitable monomers for the shell content because both acrylate monomers and methacrylate monomers are specifically recited by these references. Any argument that applicants present against these references concerning "direct addition to polyvinyl chloride" will not be persuasive. Claim 1 is directed to water

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and the core/shell polymer. There is no polyvinyl chloride recited in the compositions of these claims.

Applicants' amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Michl whose telephone number is (703) 308-2451. The examiner can

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normally be reached on Monday through Friday from 7:30 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for this Group is (703) 305-5433.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2351.

PRMichl:cdc

June 10, 2002


PAUL R. MICHL
PATENT EXAMINER
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